

News by Telegraph.

WASHINGTON, July 5.
HOUSE.—Mr. Giddings rose to a question of privilege, and produced the Boston Atlas, in which is a letter from Washington, dated June 27th, charging that he had examined certain papers on file in the P. O. Department, and had abstracted several in relation to the appointment or removal of the Post Master at Oberlin.

A long and uninteresting debate took place, when the House resumed the consideration of the report of the committee on the Galphin claim.

Messrs. King and Conrad, defended the allowance of principal and interest on claim, the latter defended the Secretary of War from taint of official or private misconduct.

Adjourned.

SENATE.—Nothing of importance transpired in the morning.

The Omnibus bill was taken up at 12 M. when Mr. Bell resumed his remarks continuing a defense and vindication of the course of the Executive, and in review of the strictures made there. In the course of his remarks was understood to intimate that he wanted to vote for the bill, but he argued to show that it was not so commendable a measure as had been claimed for it. His object was to show that he understood its value and took it only for what it was worth.

He compared the President's plan with that of the committee, showing the advantages of the former, and without concluding Mr. Bell gave way and the Senate adjourned.

WASHINGTON, July 5.
HOUSE.—Numerous questions of order were raised. Finally the question was again stated that the claim of the representatives of Galphin was not a just demand against the United States.

The following resolution was adopted:

Resolved, That the act aforesaid did not authorize the Secretary of the Treasury to pay interest on the said claim, and that the payment was not in conformity with law. Yeas 118, nays 71.

Messrs. Otis, Robinson, Allen, and Thompson were appointed a select committee to investigate the charges against the Post Office Department.

After several resolutions had been offered and objected to, the consideration of the Galphin report was resumed.

The question on Mr. Thompson's motion to reconsider the vote by which the amendment censuring the President was adopted on Saturday and to lay the motion on the table was decided in the affirmative yeas 99, nays 91.

The question was taken on the second branch of Mr. Thompson's amendment as follows:

Disapproval of and dissent from the opinion given by the Attorney General in favor of an allowance of said claim, and from the action of the Secretary of the Treasury in payment of the same.

The amendment was agreed to—yeas 119, nays 66.

The question was then taken upon an agreement to Mr. Schenck's substitute for the resolutions of the select committee.

This substitute is the same as Tuomela's and Schenck's amendments combined, both published in Saturday's proceedings, and which was amended on Saturday, in part, by Mr. Thompson, of Miss.

The substitute was rejected—yeas 38, nays 163.

The House then adjourned.

SENATE.—Mr. Houston called up his resolutions calling upon the President for information relative to the removal of Fane, of Ark., Texas, which, after some conversation was adopted.

The omnibus bill was taken up.

Mr. Smith spoke against the bill and in defense of the President's plan.

Mr. Butler outlined the floor, when the Senate adjourned.

Boston, July 6.

The wife and three daughters of Professor Webster appeared before the council yesterday, and pleaded in aid of the petition of the husband and father for a commutation of punishment. Mrs. W. said she had been unwavering in the belief of her husband's innocence until he had made his confession; she also stated that it was chiefly through her means and representations that the petition for pardon and protection of his innocence was sent to the President.

After their withdrawal the council sent for Dr. Putnam and stated that they, having great doubts on certain points in the confession, had consulted separately three eminent surgeons, and a document had been prepared for him to present to Professor Webster, but before the document was read the doors were closed; but it was understood that one of the questions propounded was whether such a stick as that described in the confession would give such a blow as would cause death in ten minutes, and all three considered it would not; and the other questions were answered adverse to the confession. The opinion is universally expressed that no commutation will be granted.

Arrival of the Steamship Georgia.

NEW YORK, July 5, 8 p. m.
The steamship Georgia, which sailed from Chagres on the 29th ult., via Havana, arrived this morning. She left Havana on the afternoon of the 30th. The United States frigates Congress and Germantown, were still at anchor here. It was reported on the authority of the British consul that the American prisoners had died, but the chief authorities stated that they were all alive. Havana was very healthy.

The Georgia has on board the captain and crew of the bark Lucy Ellen, sunk off Costa Rica.

The Nicaragua mail, from the United States, including the Georgia's despatches, were lost.

It was reported that a revolution had broken out in Costa Rica and that General Flores had been shot.

The steamer Gold Hunter has been sold for fifteen thousand dollars as soon as out.

The charge of affairs to New Grenada had heard of the publication of a notice in the United States, requiring Americans, crossing the Isthmus of Panama, to provide themselves with passports. He applied to the President of New Grenada on the subject. The matter was immediately laid before Congress and the result was that the requirement was abolished. It is not necessary, therefore, for American citizens, en route for California, to get passports.

NEW YORK, July 5, 8 p. m.
The loss by the fire at Brooklyn yesterday was about \$1,000,000.

Cholera in Cincinnati.

HEALTH OF THE CITY.—We publish below the Report of the Board of Health, rendered Saturday evening, at 5 o'clock.

BULLETIN—No. 4.
Office of the Board of Health,
5 o'clock, Saturday evening, July 6, 1850.

The Board of Health report for the last twenty-four hours sixty-five deaths by cholera, and twenty-eight by other diseases.

They would state that the disease is not confined to any particular locality. The Board is fitting up a Hospital, and will have it ready as soon as required.

JONAH MARTIN, Pres.
LOWELL FLETCHER,
JAMES D. TAYLOR,
HENRY JEWELL,
JOSEPH BURGOYNE,
JAS. D. TAYLOR, Sec.

The whole number of deaths from cholera in this city, since the first Bulletin of the Board of Health, which was published on the 1st inst., is 246. And this, some members of the Board, and other well informed citizens, do not believe to be much more than the half of those who have actually been carried off by this terrible disease.

Report of the Board of Health.

the twenty-four hours ending this evening, forty-eight of which were from cholera.

The river has fallen eighteen inches and the weather is pleasant.

The markets continue very dull. Best brands of flour \$4 and half. Whiskey dull at 21 1/2 to 21 3/4. Coffee 2 cents lower. Sugar and Molasses quiet and no change in other articles.

Later from Havana.

The British steamer arrived here yesterday with dates from Havana to the 27th ult.

The Conroy prisoners were closely confined, and the Consul is not allowed to communicate with them. Gen. Campbell's correspondence with Mr. Clayton has been withheld from the Spaniards against him, and they have threatened to assassinate him as before reported.

The German town is at anchor in the harbor ready to receive him in the event of his leaving the city. Havana is under martial law.

The Cholera has almost disappeared.

A Mr. Doyle, an American merchant at Cardenas, has been imprisoned on some frivolous charge.

MEMPHIS, July 5.

DEATH OF HON. S. S. PRENTISS.—The Nashville Courier announces the death of Hon. S. S. Prentiss, near that place, on Monday, July 1st.

Correspondence of the Journal of Commerce.

WASHINGTON, Saturday, June 29.

There will be some startling intelligence from Texas in less than six weeks from this time. Texas will not have a day for a day.

It is expected that the Texas army, as supposed, to effect the objects, probably 2500 men. There are at Santa Fe about two hundred Texas camp followers, who take an interest in favor of the Texas.

The troops of the United States, under Col. Moore, number about five or six hundred, to which six hundred are about to be added. The Texans, in this city, are of the opinion that Texas, supported as she is by the sympathies of the whole south, will arrest the United States military officers, and bring them to trial for obstructing the operation of her laws.

Should the adjustment bill be defeated, there is no doubt that Texas will absorb New Mexico, and if the United States interfere, the Southern States will give her all the aid she needs. The quarrel will afford a pretext for the disunion of the South to commence movement of dissolution. It is better, perhaps, that the contest should commence there, where it was, at one time, thought it might begin.

The adoption of the adjustment bill, and the acceptance by Texas of the offer which it makes to her, would prevent all this trouble; but, in my opinion, that is an event which might as well be left out of the question, until some Northern Whig members of the House can be found who will vote for it.

It would not, to say, that the House is in the House. The public were warned that there would be no chance for the passage of this or any adjustment, unless it could be done before the meeting of the Nashville Convention, and before the controversy between Texas and New Mexico had come to a head. In May the adjustment bill might have been passed, if it had been brought to a vote. Even so, to the Senate, I doubt whether a majority of the body are now very desirous of laying any division on the bill. There are many who would have no objection to be relieved from the duty of voting at all upon it.

The Cuba affair has occurred at a time very opportune for the promoters of mischief. The organization effected by the American leaders of the revolutionary movement still exists, and, in case of any mistake on the part of the Southern States, they are now very ready to renew, and with a force of ten thousand men, under the auspices of eminent citizens, and assuming to act under the authority of Southern States. The late expedition, indeed assumed to be authorized by States. There were the Kentucky regiment, and the Louisiana regiment, and the Mississippi battalion; and the Governor of the State of Mississippi, lately a general officer in the United States army, and now a candidate for the Vice-Presidency, was the leader in the enterprise; and the Adjutant General of the State of Louisiana was a promoter of it, and the expedition was in part, furnished with arms from the arsenal of that State. In fact, it will very probably be found before the end of the present year, that a State can find a mode, within the Union or out of the Union, within the Constitution or without the Constitution, to declare and carry out war. The troops raised and supplied for the purpose of conquering Cuba and St. Domingo can also be in readiness to promote the purposes of those who commenced the work of revolution at the Nashville Convention. The remark is made every day, by the Southern members, that the South is preparing for the worst, or, as Mr. Barnwell said, the other day, also in settling her house in order. The Cuban and Texan projects will be brought to the aid of the project of revolution at home.

While California, Oregon and Utah will form a government; Texas having absorbed New Mexico, and the States on the Gulf and on the Southern Atlantic with Cuba, St. Domingo and Porto Rico form a southern confederacy. That is the shape which things are taking, and should the adjustment bill be unfortunately defeated.

But now for a more hopeful view of the matter. The managers of the bill in the Senate are positive as they assured their friends, half an hour ago, that they will carry the bill in the Senate by a majority of ten.

They cannot, however, get the vote next week, because Mr. Benton has two assents yet to make on it, and a number of speeches to be made on it.

This is all the better as things are. For the House will send the California bill to the Senate, in the mean time, or will try hard to do it. That bill the Senate will lay on the table, and send over the adjustment bill. The Southern members, both whigs and democrats, may then say that they have discharged their duty as regards California *per se*, and now, must, in the case of California, take her with her whole Omnipotent load of measures.

It is much to be hoped that, in this, or some way, the adjustment bill will pass in a fortnight.

Last night members of the House favorable to the immediate admission of California, *per se*, held a caucus, open to the public. Mr. Booth, of Conn., was in the chair. Forty-five members attended.

Doubtless the members who expressed their majority in the House for the movement. But give me majority, said Mr. Wilcox, and I will pass the bill in three days, over the heads of the minority and all their tactics. It was resolved that the California bill should be pressed to a passage, and no other business tolerated till that object was effected.

COMMERCIAL.

Cincinnati Market.

SALE OF THE WEEK, July 6, 1850.

Flour.—The market continues unsettled and prices are still giving way; straight brands were offered to-day at \$4.00 without bidding buyers. Sales of 50 bbls. from Rail Road, \$4.05; 130 bbls. from Store at \$4.00, and 130 do. choice from Canal at \$4.05.

The market closed heavy with a downward tendency. Grain.—The only sale we heard of to-day was 1400 bush. Oats from Canal at 40¢ a decline, to transaction transferred in Corn. No transaction. There is nothing doing in hbl Pork. There is some inquiry for Bacon. The market however may be quoted inactive.

Whiskey.—The market continues heavy and prices to-day were a shade lower. Sales of 100 bbls. from River at 21 1/2; 137 do. from Canal at 21 1/2; 130 do. from do. at 21 1/2; and 100 do. from River at 21 1/2.

GROCERIES.—The market is unchanged in any particular. Sales of 7 hbls. fair Sugar at 6¢ and 10 do. at 6 1/2. And of 30 bags Coffee at 10¢, and 150 do. from landing at 10 1/2.

New York Market.

July 6th, P. M.—The Flour is without material change, and if anything there is rather a better demand. Sales at \$2 5/8 for common and straight State, and \$2 5/8 for favorite State, and \$2 5/8 for Michigan. There is very little doing in Wheat. Corn is in good supply, with an increased demand. Sales at 50¢ for damaged, and 50¢ for prime and 50¢ for Western Yellow.

NEW YORK, July 5, 8 p. m.

Flour.—Sales of various brands to a moderate extent to-day at former rates. We quote common State at \$5 1/2 to 5 3/4, straight \$5 1/2 to 5 3/4, favorite State at \$5 1/2 to 5 3/4 and 3 1/2, mixed Ohio and Indiana \$5 1/2 to 5 3/4.

Wheat is steady without any sales of importance. Rye sold at 61¢ in the clip.

Corn sold at a fair extent at 59¢ a 61¢ for Western. The previous market is quiet with few small sales.

Report of the Board of Health.

SUPREME COURT OF INDIANA.

MAY TERM, 1850.

Reported for the State Sentinel by Albert G. Porter, Esq.

THURSDAY, May 30, 1850.
Persons v. Washburn et al. Error to the Barren County Circuit Court. *Syllabus.* This was a mortgage, and the bill alleges that Persons mortgaged a lot in the town of Columbus, to Alap, in October, 1846, to secure the payment of two notes, and that in July, 1847, Persons executed a second mortgage to Washburn, the complainant, to secure a debt amounting to \$307, and payable on the 1st of March, 1849; that no proceedings had been had at law for the recovery of the complainant's debt, and that the mortgage premises were insufficient to pay both the debts which they were charged. Persons and Alap were made defendants, and the complainant prayed for an account to be taken of the debts due, to be allowed to redeem the prior mortgage, and the equity of redemption be foreclosed and sold, and the proceeds applied to the payment of the mortgage debt, and the balance to be paid to the complainant.

The record states that the process was duly served and returned, and that the parties appeared, and the cause was then submitted on the bill, exhibits, and proof, and the court rendered a decree finding the amount due on the mortgages respectively, and that in default of the payment of the same, 30 days, the equity of redemption in said premises should be foreclosed, and the premises sold, and the proceeds applied, first, to the payment of Alap's debt, second, to the payment of the complainant's debt, and the surplus, if any remained, should be paid to Persons.

The objection made to the proceeding is, that the decree should not have required the property to be sold for the payment of both debts, but that the Court should only have foreclosed the equity of redemption, and sold the mortgage and held it with his own as a lien on the land.

Held, that there was no force in the objection, and that the decree was rendered in conformity with the usual practice in such cases. Affirmed, with 1 per cent. damages.

Bush v. Keller. Error to the Bartholomew Circuit Court. *Syllabus.* To sustain a decree perpetually enjoining a party from setting up or insisting on covenants of warranty of title, in a deed of conveyance of land, and the money on account of a similar deed, upon notes given to secure the purchase money, and from bringing suits on such covenants, on account of any failure of title to the property in question, on the ground that such covenants are void, and that the plaintiff, by mistake, a strong case must be made. *Reversed.*

McGregor v. Johnson. Error to the Vigo Circuit Court. *Syllabus.* To enable B. to support an action against A, upon an agreement by A, to act as a surety for B, on account of a debt to be taken from one particular point to another on a flat boat, to be paid after the freight should be delivered at the point of destination, as per contract with C, by order from C, it is necessary that B, should have a defense in a suit at law, and that the point of destination according to his contract. *Reversed.*

Robbins et al. v. Robbins. Error to the Deatur Circuit Court. *Syllabus.* To waive the service of process upon infant defendants, unless they are personally present in Court at the time; and where the record does not show that they were present at the time, their presence will not, upon error, be presumed. *Reversed.*

Spicer v. The State. Error to the Monroe C. C. *Syllabus.* At the Oct. Term, 1848, of the Jennings Circuit Court, the plaintiff in error who was the defendant in the case, was indicted for a crime, and on the 16th of January, 1849, the Legislature passed an act giving, from its date, exclusive jurisdiction, in certain cases therein named, to the Circuit Court of the county in which the crime was committed. In April, 1849, the Jennings circuit court, upon trial on said indictment, convicted and sentenced the defendant to the State Prison for life. The plaintiff in error, who was the defendant in the case, appealed from the judgment of the circuit court, and the case was brought to this Court. Held, that the decision was right. Keeping a nuisance was a criminal offense at common law, and it was a crime, and the defendant was guilty of it. The Court affirmed the judgment of the circuit court, and the defendant was sentenced to the State Prison for life. *Affirmed.*

Trimble v. Trimble. Appeal from the Deatur C. C. *Syllabus.* On an application for a divorce and alimony, and for the custody of the children, the Court found that the husband was guilty of adultery, and that the wife was entitled to a divorce, and alimony, and the custody of the children. The Court granted the prayer of the petition, and the wife was awarded a divorce, and alimony, and the custody of the children. *Affirmed.*

By the common law no particular ceremony to the valid celebration of marriage is necessary. The consent of the parties is all that is required, and the consent in all that is needed by natural or public law. If the contract be made *per verba de present, or in made per verba de futuro* and followed by cohabitation, and an indissoluble union, the parties cannot divorce, if otherwise competent. It is not necessary that a clergyman be present to give validity to the marriage, the consent of the parties may be declared before a magistrate, or singly before witnesses, or subsequently confessed or acknowledged, or the marriage may even be inferred from continued cohabitation and reputation as husband and wife, except in civil cases, where the parties are bound by the law of the State. The law of the State, in this respect, is not different from the common law, and the parties cannot divorce, if otherwise competent. 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